



Higher National Unit specification

General information

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Unit code: HA08 33

Superclass: HE

Publication date: February 2016

Source: Scottish Qualifications Authority

Version: 01

Unit purpose

This is an introductory Unit which has been designed for learners who work or wish to work (in a paid or voluntary capacity) in a setting which provides housing advice. Learners will develop their knowledge of the causes and effects of debt, options to help avoid eviction and repossession and the key aspects of housing benefit.

This Unit forms part of the Professional Development Award (PDA) in Housing Law Advice at SCQF level 6 and can also be taken as a standalone Unit, perhaps for the purpose of continued professional development (CPD).

Outcomes

On successful completion of the Unit the learner will be able to:

- 1 Identify options for avoiding eviction and repossession caused by debt.
- 2 Describe rights, responsibilities and options for those involved in arrears and repossession.
- 3 Outline the criteria and purpose of Housing Benefit.

Credit points and level

1 Higher National Unit credit at SCQF level 6: (8 SCQF credit points at SCQF level 6)

Higher National Unit specification: General information (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Recommended entry to the Unit

Entry is at the discretion of the centre however learners should have good communication skills. Although no prior knowledge of housing advice is required for this Unit, it would be beneficial for learners to have some experience of working or volunteering in an agency or organisation which offers housing advice.

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

Achievement of this unit gives automatic certification of the following Core Skills component:

Complete Core Skill	None
Core Skill component	Critical Thinking at SCQF level 5

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

The Unit has been designed with the training needs of first contact housing advisors or 'Type 1' staff in mind, to enable them to effectively meet the needs of service users.

This Unit may be delivered as part of the PDA in Housing Law Advice at SCQF level 6. It is however, a free-standing Unit and may be delivered as such for purposes of continuing professional development (CPD).

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit specification: Statement of standards

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Learners should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Identify options for avoiding eviction and repossession caused by debt.

Knowledge and/or Skills

- ◆ Common causes and effects of debt
- ◆ Repayment options
- ◆ Relevant legislation
- ◆ Landlord and tenants' rights and protection against illegal eviction
- ◆ Correct notices and court procedure
- ◆ Options for alternative accommodation
- ◆ Referral procedures

Outcome 2

Describe rights, responsibilities and options for those involved in arrears and repossession.

Knowledge and/or Skills

- ◆ Rental options
- ◆ Responsibilities of lenders in the context of house purchase, arrears and repossession
- ◆ Relevant legislation
- ◆ Responsibilities of buyers and lessees in house purchase and rental
- ◆ Rights of tenants, owner occupiers, lenders and landlords

Outcome 3

Outline the criteria and purpose of Housing Benefit.

Knowledge and/or Skills

- ◆ Criteria for entitlement to Housing Benefit
- ◆ Duties of local authorities in relation to Housing Benefit

Higher National Unit specification: Statement of standards (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes by showing that they can:

- ◆ identify potential triggers for debt.
- ◆ outline options to avoid eviction/repossession.
- ◆ identify the housing options following eviction or repossession.
- ◆ identify key aspects of legislation surrounding:
 - eviction and repossession and
 - the rights of landlord and tenants.
- ◆ identify the rights and responsibilities of lenders and buyers in the context of house purchase and arrears.
- ◆ identify the rights and responsibilities of landlords and tenants in the context of arrears and eviction for one rental option.
- ◆ state criteria for entitlement to Housing Benefit.
- ◆ describe how an individual's circumstances can affect their housing benefit entitlement therefore contributing to rent arrears.
- ◆ outline the duties of local authorities in relation to Housing Benefit.



Higher National Unit Support Notes

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Unit Support Notes are offered as guidance and are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit has been designed to reflect the requirements of the Scottish National Standards for Housing Information and Advice Services, developed by the Scottish Government for workers engaged in providing advice on a range of housing issues and, in particular, housing law advice in the specific areas of homelessness, security of tenure, repair and disrepair and housing-related financial issues.

The Scottish National Standards for Housing Information and Advice Services were first published by ScotGov in 1985, 2000, 2003 principally for housing advice service. The final version was published in 2009.

The Unit has been designed with the training needs of first contact housing advisors or 'Type 1' staff in mind to enable them to effectively meet the needs of service users.

The definition of the role a staff member (paid or voluntary) fulfils at this level is as follows:

Active Information, Sign-posting and Explanation

This work refers to activities such as signposting for example, referring the service user to other available resources or services, appropriate to their needs, and helping service users by explaining technical terms or clarifying official documents, for example a tenancy agreement or possession order.

Such assistance and information may be provided in an appropriate format to meet the needs of the service user. The distinction is made between the 'passive' provision of information through the availability of leaflets, etc in public places, libraries and 'active' provision of information through providing assistance to the individual seeking assistance. The role of housing adviser at this level is a facilitative role.

'Service users' may also be referred to as 'clients' or 'customers'. This refers to the person or people who have requested advice and/or support to deal with a range of housing issues.

Learners will develop their knowledge of the causes and effects of debt, strategies to help avoid eviction and repossession and the key aspects of housing benefit. Learners will also develop their knowledge of the key legislation relating to housing in Scotland.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

This Unit forms part of the PDA in Housing Law Advice at SCQF level 6 and can also be delivered as a standalone Unit perhaps for the purpose of CPD.

Guidance on approaches to delivery of this Unit

Delivery of this Unit should be learner-centred and encourage exploration of sources eligibility for housing benefit strategies to avoid eviction and/or repossession. Use of case-studies/scenarios may be useful to illustrate the range of issues surrounding the areas of arrears, eviction and repossession. The following websites may be useful to provide knowledge of the key issues:

www.cab.org.uk
www.scotland.shelter.org.uk
www.leavinghome.info
www.ageconcernscotland.org.uk
www.gov.uk
www.scotland.gov.uk

It should be noted that references to legislation and guidance documentation given in this Unit are current at the time of publication; however teachers/lecturers should ensure that Learners are given access to the most up to date versions.

Outcome 1

Housing debt is one of the most serious of personal debts because it may cause homelessness.

For any kind of tenancy, rent arrears will allow a landlord to begin eviction proceedings.

Learners should be encouraged to explore the potential triggers of debt and the potential consequences. These could include eg sudden changes in circumstances, financial over-commitment, poor money management, changes to legislation, living long term on a low income, domestic abuse, chronic ill health, substance abuse.

Relevant personal circumstances can cover a broad range of factors, which could explain why the tenant came to be in arrears. A tenant/owner who has difficulties paying the rent or mortgage should consider ways of maximising her/his income by:

- ◆ arranging a benefit check.
- ◆ checking tax code.
- ◆ ensuring that all allowances being claimed.
- ◆ other ways of generating cash, eg part-time work.
- ◆ letting out a room.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

For assured tenants and Scottish secure tenants, non-payment of rent is a ground for eviction. Before social landlords can start possession proceedings for rent arrears they must first comply with certain pre action requirements (PARs).

To evict a Scottish secure tenant for rent arrears the council or Registered Social Landlords (RSLs) will need to prove in court that the relevant grounds for recovery are met and that it is reasonable to evict for this reason.

A private landlord would have to meet the same requirements unless the level of rent arrears is more than three months. If the arrears are more than three months then the private landlord may not have to prove that eviction is a reasonable course of action. It is better for everyone involved if a negotiated agreement for repayment at a reasonable rate is reached with the council before the case goes to court.

Outcome 2

The two providers of Scottish Secure Tenancies are Local Authorities and Registered Social Landlords (mostly housing associations). There are currently over 200 housing associations in Scotland, which vary greatly in their structure, size and objectives. All will be registered with the Registrar of Friendly Societies as Industrial and Provident Societies and must be registered with Scottish Housing Regulator if they wish to benefit from public funds. Virtually all associations are members of the Scottish Federation of Housing Associations (SFHA).

The Housing Associations Act 1985 defined housing associations as 'a society, body of trustees or company which does not trade for profit'. Its objects and powers must include construction, improvement or management of houses, or facilitating the construction or improvement of housing accommodation. Both these providers receive public money for building and managing a wide range of housing stock. They are both regulated by the Housing (Scotland) Act 2001. This Act sets out rules about how houses are allocated. Anyone over 16 can apply, and rules govern who should be prioritised. Local authorities have duties to house homeless people, and can use RSL.

Special needs housing is a general term covering housing built with particular tenant groups in mind. Usually it involves either specially built or adapted housing, for example housing for older people or people with a disability, or houses linked to some support facility for adults with learning difficulties. It can also refer to houses allocated to particular groups, for example older people. Special needs housing is most often provided by registered social landlords but some provision is also made by Councils.

There are two main types of mortgage:

- ◆ Interest only Mortgages where the borrower makes payments to an endowment policy designed to pay off the loan.
- ◆ Capital Repayment Mortgages where the borrower makes payments to the loan capital and interest.

Different interest rates are available (fixed or variable) and other terms may vary.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

All mortgages, irrespective of the way in which the loan is to be repaid, share the same basic characteristics:

- ◆ The lender has security over the borrower's home and/or any other property which offers the lender sufficient security for the loan.
- ◆ Interest is charged on the loan.
- ◆ The borrower agrees to repay the loan either by instalments or in a lump sum within a fixed number of months or years, as well as covering the interest.

The Mortgage Rights (Scotland) Act 2001 covers the rights of owner occupiers in cases of repossession. Borrowers, who apply to the local authority as homeless after repossession, run the risk of being seen as intentionally homeless. When a borrower falls into arrears the lender must follow specific procedures to recover possession. The Conveyancing and Feudal Reform (Scotland) Act 1970 covers the process of repossession. Certain loans will also be covered by the Consumer Credit Act 1974. The Home Owner and Debtor Protection (Scotland) Act 2010 amended the 1970 Act to further regulate the procedure that lenders have to follow in order to repossess a property. It set down pre-action requirements that lenders must follow before they can apply to court to enforce their rights when a borrower has defaulted on their mortgage agreement.

Outcome 3

This Outcome covers the main sources of benefit available, in particular Housing Benefit and Council Tax Reduction. Procedures for claiming benefit should be explored.

The current Housing Benefit scheme was introduced in April 1988. It was part of a set of structural reforms of income-related benefits introduced following a wide-ranging review of social security. The secondary legislation is the Housing Benefit (General) Regulations 1987. The new rent officer's determinations are set out in the Rent Officers (Additional Functions) Order 1995. The Social Security Administration Act 1992 provides for two types of assistance with rent. Rent rebates are provided by local authorities to help their tenants with rents. Rent allowances are provided by local authorities to help tenants in private sector tenancies with rents. These two types of assistance are collectively known as Housing Benefit. Housing Benefit is paid to those who are on a low income, have under *£16,000 capital and who are liable for rent. The only excluded persons are 'persons from abroad'. It is administered by local authorities who receive a subsidy from the Benefits Agency for the majority of the expenditure. A new procedure for disputing claims, including an independent tribunal for appeals, began in July 2001, bringing the Housing Benefit Scheme more closely in line with other benefits.

*figures correct at August 2015

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Housing Benefit is a means-tested (also known as income related) benefit payable to both council and private sector tenants on low incomes to help meet the costs of renting accommodation. 'Means tested' means that a claimant's income and capital must be disclosed when claiming, and these details, along with information about their personal circumstances (age, family size etc.), are used together in a set formula to determine how much benefit a claimant is entitled to. It is administered by local councils in accordance with national legislation. From 1 April 2013 the eligible rent for housing benefit of a local authority or registered social landlord (RSL) tenant can be restricted if they are under-occupying their home. This is called the under occupancy charge. Whether a claimant is considered to be under-occupying their property depends on the composition of the household, the size of the property and the number of bedrooms deemed appropriate for the household. Some tenants can be exempt from this charge.

Housing Benefit is generally available to:

- ◆ local authority tenants.
- ◆ people placed in temporary accommodation by the local authority.
- ◆ private sector tenants, Registered Social Landlords (RSLs) and Co-operative tenants.
- ◆ people living in hostels.

Young people face particular difficulties accessing accommodation, as their income is often restricted. Also, housing benefit payments to under 35 year olds are restricted in the private rented sector. Young people leaving care may have their housing needs met by the local authority rather than by the housing benefits scheme. Certain groups of people have their access to the Housing Benefit system limited by legislation. The most common of these are owner occupiers, full time students, people from abroad and asylum seekers.

Housing Benefit comes in two forms: rent rebates for council tenants and rent allowances (called local housing allowance) for private tenants. Since July 2001 arrangements for challenging Housing Benefit decisions changed to bring them more closely in line with procedures for other benefits. A decision may be disputed (challenged) by requesting a revision (asking the local authority to look at it again) or by making an appeal against it. The decision may be disputed by the claimant, or a person affected by the decision in terms of their rights, duties or obligations.

Under the Welfare Reform Act 2013, the Government has implemented a number of changes to the benefits system. A cap on the maximum amount of benefits a claimant and/or their household can receive has been introduced. The cap applies to most benefits, including housing benefit. The cap will only apply to claimants of working age. A claimant's housing benefit will be reduced to ensure that the total amount of benefits s/he receives is not more than the benefit cap level. Universal credit is being rolled out to new working age benefit claimants. Housing benefit claimants will receive the housing element of Universal Credit, rather than Housing Benefit. From 2016/2017 existing claimants will move from Housing Benefit to universal credit.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

All three Outcomes could be assessed by a series of short answer/multiple-choice questions set under closed-book conditions.

Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

There are opportunities to develop aspects of the Core Skills in *Communication* at SCQF level 6, and *Numeracy*, *Information and Communication Technology (ICT)*, *Working with Others* and *Problem Solving* at SCQF level 5 throughout this Unit.

This unit has the Critical Thinking component of Problem Solving embedded in it. This means that when learners achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 5.

History of changes to Unit

Version	Description of change	Date

© Scottish Qualifications Authority 2016

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

Additional copies of this Unit specification can be purchased from the Scottish Qualifications Authority. Please contact the Business Development and Customer Support team, telephone 0303 333 0330.

General information for learners

Unit title: Housing Law Advice: Introduction to Housing Arrears, Eviction and Repossession (SCQF level 6)

This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

This Unit is suitable for you if you work or wish to work (paid or unpaid) as a first contact adviser (Type 1 adviser) in a role that provides housing advice in Scotland.

This Unit has been designed to develop your knowledge of the causes and effects of debt, strategies to help avoid eviction and repossession and the key aspects of housing benefit.

You will learn about the relevant aspects of legislation in Scotland that underpins the provision of housing with emphasis on repossession and eviction in Scotland. The content is drawn from the Scottish National Standards for Housing Information and Advice Services, developed by the Scottish Government.

The Unit forms part of the Professional Development Award (PDA) in Housing Law Advice at SCQF level 6 and can also be taken as a standalone Unit, perhaps for the purposes of continued professional development (CPD). You may have the opportunity to progress to other qualifications at a higher level upon successful completion of this PDA, eg PDA in Housing Law Advice at SCQF level 7.

There are no pre-entry requirements as entry is at the discretion of the centre. However, you will be expected to have good communication skills and it would be beneficial if you have previous experience of the housing advice sector.

There are three Outcomes to complete in the Unit:

- 1 Identify options for avoiding eviction and repossession caused by debt.
- 2 Describe rights, responsibilities and options for those involved in arrears and repossession.
- 3 Outline the criteria and purpose of Housing Benefit.

Assessment will typically be short answer or multiple-choice questions under exam conditions however this may vary by centre.

You will have the opportunity to develop your Core Skills in *Communication, Problem Solving, Numeracy, Information and Communication Technology (ICT)* and *Working with Others*. Your transferable and employability skills eg in time management, customer service and personal presentation will also develop throughout this Unit.

This unit has the Critical Thinking component of Problem Solving embedded in it. This means that when you achieve the Unit, your Core Skills profile will also be updated to show you have achieved Critical Thinking at SCQF level 5.